

PATENT – AMENDMENT AFTER FINAL
Response under 37 CFR 1.116
Expedited Procedure
Examining Group: 2192

REMARKS

I. Status of the Claims

In the Office Action, the Examiner indicated that claims 1-34 and 36-54 are rejected. Therefore, claims 1-34 and 36-54 are pending for reconsideration.

II. Objection of Claim 33

In the Office Action, the Examiner objected to claim 33 because of a minor informality. Claim 33 has been amended.

III. Rejection of Claims 1-34 and 36-54 under 35 U.S.C. §103(a)

The present invention provides a method and a computer-readable program for providing autonomic, event driven upgrade maintenance of one or more software modules residing on a computer system. In a preferred embodiment, a method begins by detecting a predefined triggering event on the computer system indicative of a potential maintenance issue. Next, the computer system connects to an upgrade management server, where the upgrade maintenance server creates a list of recommended upgrade modules to download to the computer system, the list based upon the triggering event and a set of selection policies. The method then downloads the list of recommended upgrade modules from the upgrade management server to the computer system and selectively installs upgrade modules chosen from the list of recommended upgrade modules on the computer system. The user is then notified on the status of the upgrade maintenance operation.

In the Office Action, claims 1-34 and 36-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over “SafePatch Version 0.9 Manual” March 1999 (hereinafter “SafePatch”), in view of US Patent 7,073,172 to Chamberlain (hereinafter Chamberlain). Applicants respectfully traverse the rejection.

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Independent claims 1, 30 and 54 contain the claim element, “detecting a predefined triggering event on the computer system indicative of a potential maintenance issue, the predefined triggering event being triggered by a current operating condition of the computer system”. Applicants respectfully submit that this claim element is neither disclosed nor suggested, alone or in combination, by the “SafePatch” and/or “Chamberlain” references.

On page 3, paragraph 2 of the present Office Action, the Examiner states that SafePatch provides this element at: 1) page 2, section 1.1.2; 2) page 1, SafePatch Overview; and 3) page 43, steps 1-3 and related text.

With regard to the first cited passage, page 2, section 1.1.2, paragraph 4 of SafePatch states that “The SafePatch administrator controls the evaluation of remote systems through the part of the SafePatch Server called the Patch Server. . . . The time, date and how often a job is to occur can be specified for each remote system or for a group of systems”. Thus, in the SafePatch reference, there is no “predefined, triggering event indicative of a maintenance, the predefined triggering event being triggered by a current operating condition of the computer system” occurring on the remote server. Rather, **an administrator controls the evaluation** from the upgrade management server (i.e., SafePatch server) connected to the remote system to be upgraded, **specifying a date and time** when the evaluation occurs. Similarly, the SafePatch Overview on page 1 describes a system wherein the upgrade management (i.e., SafePatch) server remotely queries the remote system (i.e., the system to receive the upgrades) on a scheduled basis. Finally the flow diagram on page 43, step 1-3 once again describes a system wherein the upgrade management (i.e., SafePatch) server initiates the update process, rather than having the update process being initiated at the remote server (i.e., the server receiving the upgrade) via an event trigger, as described in the present invention.

Applicants respectfully submit that the “SafePatch” reference actually teaches away from the present invention, since: 1) the evaluation of remote systems in the SafePatch system is

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triggered at the **upgrade management server** (i.e., the SafePatch server), not at the **remote system receiving the upgrade**, as claimed by the present invention; and 2) the evaluation is driven by the upgrade management server by an administrator on a **periodic, scheduled time basis**, rather than a “**predefined, triggering event indicative of a maintenance issue**” occurring on the remote server itself, as claimed by the present invention.

This “event driven” “bottoms up” approach of the present invention offers several advantages over the conventional “time driven”, “top-down” approach taught by the SafePatch reference. First, the “time-driven”, “top-down” approach of SafePatch generally will consume much more computer resource than the “event driven” “bottoms-up” approach of the present invention, since SafePatch will require a plurality of periodic, scheduled checks from the upgrade management server to the remote computer system that will likely result in no updates being required in most instances. By contrast, the present invention’s approach will only occur asynchronously (and likely much less frequently) only when an actual triggering event occurs at the remote system. Also, the approach of the present invention does not require an administrator at the upgrade management server to set up a periodic scheme for checking the remote system, since the remote system will tell the upgrade management server itself when it needs an update via the triggering event generated at the remote system.

Since the SafePatch reference neither discloses nor suggests the first claim element of independent claims 1, 30 and 54, Applicants respectfully submit that claims 1, 30 and 54 are now in condition for allowance.

The second claim element of independent claims 1, 30 and 54 involves “connecting to an upgrade management server, based upon a set of user defined policies residing on the computer system”. The Examiner states that the “SmartPatch” reference provides this claim element at pp. 17-20, SafePatch Server; and page 43, steps 3-5 and related text. Applicants respectfully traverse this rejection.

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Applicants respectfully submit that the selection policies employed by the “SmartPatch” reference occur at the upgrade management server, not at the computer system receiving the update. The set of user defined policies for the present invention is defined in the specification at page 9, paragraph 27. Examples of user defined policies include the a preferred connection time for connecting to the upgrade management server 104, scheduled day/time for auto applying upgrades to the computer system 102, a specific defined time to connect to the upgrade management server to check for updates, etc. Thus, the “SmartPatch” reference actually teaches away from the present invention, since the “SmartPatch” reference drives the upgrade management from the upgrade management server on a periodic basis and with human intervention (see “SmartPatch, page 2, section 1.1.1.2 “The SafePatch administrator controls the evaluation of remote systems through the part of the SafePatch Server called the Patch Server. The time, date and how often a job is to occur can be specified for each remote system or a group of systems”). In contrast, the present invention drives the upgrade maintenance operation from the remote system on an event triggered basis (see Specification, page 9, paragraph 26), and subject to policies defined on the remote system to be updated, not to policies defined by an administrator on the upgrade management server. Simply stated, “SmartPatch” defines a top-down approach to upgrade management, wherein the upgrader system drives the maintenance operation, while the present invention describes a bottoms-up approach to upgrade management, wherein the upgradee system drives and controls the maintenance operation.

Since the SafePatch reference neither discloses nor suggests the second claim element of independent claims 1, 30 and 54, Applicants respectfully once again respectfully submits that claims 1, 30 and 54 are now in condition for allowance.

Claims 2-29, 31-34 and 36-53 are dependent claims which rely, either directly or indirectly, from independent claims 1, and 30. Applicants submit that since claims 1 and 30 are in condition for allowance for reasons stated above, claims 2-29, 31-34 and 36-53 are also now in condition for allowance.

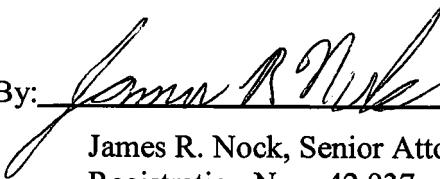
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CONCLUSION

In view of the foregoing comments and amendments, the Applicants respectfully submit that all of the pending claims (i.e., claims 1-34 and 36-54) are in condition for allowance and that the application should be passed to issue.

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Respectfully submitted,

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